

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – October 23, 2009
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:07 a.m., recessed at 10:25 a.m., reconvened at 10:52 a.m., recessed at 12:55 p.m., reconvened at 1:03 p.m., and adjourned at 1:37 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Commissioners Absent: None

Advisors Present: Goralka, Sinsay (DPW); Taylor (OCC)

Staff Present: Aquino, Beddow, Brown, Gibson, Giffen, Kahler, Kraft, Loy, Murphy, Real, Switzer, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of October 9, 2009.

Approval of the October 9, 2009 Minutes were trailed.

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Requests for Continuance

F. Formation of Consent Calendar

G. Director's Report

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

1. **Merriam Mountains Specific Plan, GPA 04-006, SP 04-006, R04-013, VTM 5381RPL⁴, and S04-035, North County Metropolitan Subregional and Bonsall Community Plan Areas** (continued from the meeting of October 9, 2009)

Proposed master planned community consisting of 2,700 residential homes of varying types, 10.1 acres of commercial land, 1,192 acres of permanent biological open space, 537 acres of managed fuel treatment areas, a fire station, 18.3 miles of trails, and 88.83 acres of park land. The project also proposes the widening of Deer Springs Road to four lanes, improvements to the Interstate 15 north and southbound ramps, improvements to Twin Oaks Valley Road in the City of San Marcos, and numerous other road improvements in the County of San Diego. The project site is located at the northwest quadrant of Interstate 15 and Deer Springs Road in the North County Metropolitan Subregional and Bonsall Community Plan Areas.

Staff Presentation: Real, Loy

Proponents: 5; **Opponents:** 36

Discussion:

Prior to continuation of Staff's report, each Planning Commissioner discloses that he has visited the proposed project site, as well as other locations within the immediate vicinity of the project site to evaluate potential impacts.

Staff has returned today to discuss several issues raised during the Planning Commission's October 9, 2009 hearing. These include:

A cumulative analysis of this project with respect to other projects planned for the area, and whether those projects are being reviewed under the County's General Plan;

Additional information regarding the request for environmental studies that would be required if the project was a mining operation;

Additional information regarding the purpose and need for this project;

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

Additional information regarding potential impacts to the Golden Door Spa;

Additional information regarding the evacuation plan discussed today and its impacts on development of the proposed project;

Clarification of the traffic trips generated during rush hour;

Additional information regarding the RPO, the North County MSCP, whether a Habitat Loss Permit is necessary and whether the wildlife agencies are supportive of the project

Staff's rational for the recommendation for approval under the proposed General Plan;

Definitive information from the Water District regarding water availability for this project;

Additional information regarding the timing of construction for the proposed fire station;

Additional information regarding protection or impacts to, and costs for management of the biological and archeological resources, as well as restoration;

Clarification regarding whether the Fire District needs to approve a Fire Protection Plan;

Additional information regarding who will own fee title to the biological open space;

Additional information regarding designating the open space as a conservation easement;

Additional information regarding the topography of the project site and how much of it can be defined as steep slope;

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

Additional information regarding the long-term impacts of the proposed revisions to the Community and General Plans, and the RPO waiver;

Additional information regarding the timeframe of the proposed development;

Staff's comments regarding the July 21, 1009 letter from the Sheriff's Department; and

Additional information regarding the current water restrictions and their impacts.

Staff informs the Planning Commission that though the project is a "pipeline" proposal, it complies with the draft General Plan Update guiding principles. Staff clarifies that the San Marcos and Deer Springs Fire Districts serve the site, and has received service letters from both the Vallecitos and the Rainbow Water Districts. A Fire Protection Plan was prepared for each District and meets State of California CEQA guidelines. The Planning Commission is also reminded that San Diego decision-makers determine final actions on development of the site.

In response to suggestions that the applicant should be required to obtain a Major Use Permit due to the proposed blasting and drilling onsite, Staff explains that the project is a balanced grading proposal, not a mining operation, and exempt from the State Mining and Reclamation Act because none of the mined material will be exported.

With respect to traffic impacts, Staff clarifies that Deer Springs Road is a four-lane major road and currently only improved to two lanes. The road will need to be widened to a minimum of four lanes in the near future, and Level of Service currently ranges from "B" to "F". Staff acknowledges that there will be noise impacts on this road due to construction improvements on the road. The applicant may seek approval of a noise variance and will install temporary noise barriers to mitigate noise levels at existing structures. In addition, a permanent noise wall will be required to reduce impacts to the Deer Springs Mobilehome Park and other residences along Deer Springs Road. Construction from onsite grading activity is required to increase setbacks. The applicant will utilize quieter construction equipment and submit a noise report prior to construction of each Phase.

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

It is also acknowledged that the project will result in impacts on wetlands and encroachment onto steep slope lands. The applicant has prepared a project Resource Protection Plan and requests a waiver of the Resource Protection Ordinance to address impacts on internal steep slopes. The Commission is reminded that various wildlife agencies worked with Staff on the MSCP in 2005 and throughout subsequent changes to that Plan. Staff doesn't believe a wildlife movement study is required at this time because there is no large animal movement.

The significance of the biological resources onsite range from Tier 1 to Tier 3, and the applicant has proposed preserving 1,192 acres of the site in open space. Resource management costs have been included in Staff's report, but these costs do not include restoration costs. However, the applicant is required to establish an endowment or other perpetual preservation mechanism prior to approval of the Final Map, and the open space will be owned either by the applicant, the Homeowners Association or a conservancy acceptable to the County of San Diego.

During the October 9, 2009 Planning Commission meeting, many concerns were raised about the project's potential impacts on the Golden Door Spa including water resources, traffic and air quality, and impacts resulting from improvements to Deer Springs Road. Staff reiterates that the project will utilize approximately 1.31 million gallons of water per day; noise along the Golden Door Spa property was analyzed using a traffic volume of 16,300 average daily trips; and impacts on air quality will be less than significant. Staff further explains that improvements to Deer Springs Road will occur with or without this project. A temporary 10' sound wall will lessen noise impacts on the Golden Door Spa, and Site Plans will be required to address possible visual impacts.

Bonsall Community Sponsor Group members have expressed concerns about the proposed open space provisions and urge the Planning Commission to require onsite management. They are also concerned about the project's potential impacts on the rural character of their community. They inform the Planning Commission that the proposed mitigation measures don't include provisions for a gate at Lawrence Welk Court to prevent animal wildlife movement, and request that the Planning Commission prohibit construction traffic on Lawrence Welk Lane. They also request clarification of site improvements proposed for Phase IV, insist that the proposal doesn't meet the tenets of smart growth, and inform the Planning Commission that the proposed trails map was not presented to the Sponsor Group.

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

The applicant informs the Planning Commission that “will serve” letters have been provided by the area's School Districts, and refutes statements that the proposal cannot be considered smart growth, by reminding those in attendance that the proposal contains many elements of smart growth: it is located adjacent to existing infrastructure, will provide numerous improvements and will cluster development to reduce environmental impacts.

Commissioner Day supports the proposed project. He points out that the necessary infrastructure exists, and discusses the significant improvements to be provided by the applicant. Commissioner Day reminds audience members that the applicant has provided a wildlife movement study and an additional 26 acres of open space to accommodate wildlife movement. With respect to the Golden Door Spa, Commissioner Day does not believe it will be impacted by the proposed project. He points out that the Spa was relocated to its present location eight years after classification of Deer Springs Road as a four-lane major road. Commissioner Day also points out that the applicant's Fire Protection Plan has been accepted, and remind those in attendance that an emergency evacuation plan has never been required from any other applicant.

Commissioner Norby notes that 345 residences are allowed on this site by the General Plan today, and the future General Plan envisions less homes. He also believes the applicant should be required to provide a school to accommodate the potential 1,200 children who will reside on the project site, and that the proposed commercial zoning should be located in the village core. Commissioner Norby points out that public transportation is several miles away, as is the transit center, and the project will add more than 4000 peak hour trips to the Circulation Element. He believes the project does not meet the concept of smart growth, is not pedestrian or bicycle-friendly, and is inconsistent with neighboring zoning.

Commissioner Pallinger commends Staff's efforts on this project and the public's input. He believes the project, in principle, meets smart growth goals and the tenets of the draft General Plan. Commissioner Pallinger agrees with the comments made by Commissioner Day, noting that the project is adjacent to where growth will occur, adjacent to a major transportation corridor, in proximity to a rail-line, and not very far from a park-and-ride. He believes the location of the commercial site serves the tapestry of the community, and that property values generally improve with new construction. Commissioner Pallinger also believes the proposed open space will significantly benefit the community, and that this project will serve as a fire break from surrounding communities.

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

Commissioner Pallinger is positive the proposed project will not negatively impact the Golden Door Spa.

Commissioner Norby maintains that the proposed project is not appropriate for the proposed location. He also notes that it is quite uncommon to waive the requirements of the Resource Protection Ordinance, and reminds those in attendance that the project will be located in a high-fire potential area. Commissioner Beck agrees with Commissioner Norby's comments. He believes this proposal will forever change the rural character of this community, and announces he will not support the Motion.

Action: Riess - Pallinger

Certify the Environmental Impact Report and Errata Sheet and recommend that the Board of Supervisors approve General Plan Amendment (GPA) 04-006, Specific Plan (SP) 04-006, Zone Reclassification R04-013, Vesting Tentative Map (VTM) 5381RPL⁴ and Site Plan S04-035, the Statement of Reasons and the Resource Protection Ordinance amendment, with stipulations that:

- Construction hours are restricted to five days a week, from 7:00 a.m. to 5:00 p.m.;
- Drilling and blasting is restricted to 8:00a to 5:00p, Monday through Friday;
- Reduce density to one-acre lots in Neighborhood 2, Planning Area 3;
- Improvements to Deer Springs Road will include installation of rubberized asphalt, in addition to the noise mitigation measures already in place
- Muffled drilling equipment be required;
- Present with approval of the local fire district an evacuation plan for the community of Merriam Mountains;
- Twenty-five percent of the construction equipment is to be low carbon
- A noise study is to be completed at the conclusion of grading activities to ensure that the Golden Door is attenuated below 75dB. If noise is above 75dB, permanent noise attenuation shall be provided;
- Left and right turn access is to be maintained at the Golden Door main driveway;
- All uses permitted in the biological open space will be driven by the biological resource protections (standards) as identified in the South County MSCP;
- Costs to manage the biological open space will be driven by the Property Analysis Record;
- Dogs will not be permitted to be off-leash within the open space;

**GPA 04-006, SP 04-006, R04-013,
VTM 5381RPL⁴ & S04-035, Agenda Item 1:**

- Lots 6, 7, 10, 13, 7 and 14 in Neighborhood 1 are to have increased setbacks from the ridgeline;
- The Specific Plan is to be modified to establish guidelines ensuring that homes along Deer Springs Road are not within the viewshed of the Golden Door Spa;
- Improve fire safety by constructing the fire station constructed prior to occupancy or during an earlier stage than Neighborhood 5;
- The Statement of Overriding Considerations is to include language Indicating that:
- - The project provides the necessary density for 2020 and reduces in outlying areas, thereby reducing overall environmental impacts
 - The project is not visible from the exterior of property;
 - The applicant will provide significant open space for the benefit of the region;
 - The applicant will provide significant and valuable road/infrastructure improvements;
 - The applicant is consolidating dozens of parcels that, if developed individually, would create much more significant and negative environmental impacts;
 - The project will be comprised of balanced grading; and
 - The project reduces traffic by providing housing opportunities in the County.

Commissioner Day notes that the Deer Springs Fire District has no concerns with emergency response times. He also notes that CEQA has not and does not require emergency evacuation plans.

Ayes:	5 -	Brooks, Day, Pallinger, Riess, Woods
Noes:	2 -	Beck, Norby
Abstain:	0 -	None
Absent:	0 -	None

Public Road Standards, Agenda Item 2:

2. Public Road Standards, Countywide (continued from the meeting of July 31, 2009)

Proposed revisions to the San Diego County Public Road Standards. These standards establish design and construction requirements for public roads located within the unincorporated area of San Diego County, and apply to County-initiated public road improvement projects as well as privately-initiated public road improvement projects. Improvements to public roads are often required as conditions of land development (discretionary permit) approval. A draft companion document "Flexibility in County Road Design" has also been prepared to assist in implementation of the public road standards.

Staff Presentation:

Proponents: 4; **Opponents:** 0

Due to the complexity of today's Agenda, it is recommended that consideration of draft Road Standards be postponed.

Action: Day - Norby

Continue consideration of the draft County Road Standards to the Planning Commission meeting of December 18, 2009.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

P85-079W⁵, Agenda Item 3:

3. Oak Creek RV Park, Major Use Permit P85-079W⁵; Lakeside Community Plan Area (Brown) (continued from the meeting of August 14, 2009)

Planning Commission direction:

At their August 14, 2009 meeting, the Planning Commission directed the applicant to consider revising the project to include a maximum time limit for the RV spaces proposed for long-term occupancy. The Planning Commission believes long-term occupancy should be defined as more than 90 days per calendar year but less than permanent (i.e. without a time limitation).

Applicant proposal:

The applicant has declined modifying the proposal to include a maximum time limit on the long-term occupancy of RV spaces, but has indicated a willingness to modify the proposal by revising the proportion of long-term (unlimited) occupancy spaces. The applicant now requests that the Planning Commission consider approval of this Major Use Permit Modification with the following provisions: 50% of the Phase I (120 existing spaces) and Phase II (84 previously approved spaces) spaces would have no occupancy limitation, and the remaining 50% of the spaces would have a 240-day occupancy limitation. Additionally, Phase II would be age-restricted for guests older than 55 years old, no RV will be allowed within the park if it is greater than 400 square feet, and no residential structures will be allowed. If Phase II is not constructed in the future or if the proposed time extension expires, the applicant requests that all of the spaces allowed in Phase I have no occupancy limitation.

Staff Presentation: Brown

Proponents: 0; Opponents: 0

Discussion:

Staff requests that the Planning Commission postpone consideration of Major Use Permit Modification P85-079W⁵ to allow review of additional information recently received from the School District.

P85-079W⁵, Agenda Item 3:

Action: Riess - Pallinger

Continue consideration of Major Use Permit Modification P85-079W⁵ to the meeting of December 4, 2009.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

POD 08-016, Agenda Item 4:

4. Water Conservation Landscape Ordinance, POD 08-016, Countywide

Proposed amendment of the County Zoning Ordinance to delete existing landscaping requirements and replace them with a new chapter in the San Diego County Code that provides comprehensive water conservation in landscaping regulations mandated by State law. The new chapter provisions include: (a) the establishment of a landscape water budget and a maximum water use authorization; (b) a requirement to submit landscape and irrigation plans that demonstrate adherence to the water budget; (c) a requirement to use recycled water for irrigation if available; and (d) enforcement provisions. The regulations will apply to new single-family construction within the County Water Authority or the Borrego Water District, as well as to new commercial, industrial, civic and multifamily construction with landscapes of 1,000 square feet or more.

Staff Presentation: Switzer

Proponents: 1; **Opponents:** 0

Discussion:

The Planning Commission adopts Staff's recommendation on consent.

Action: Beck - Day

Recommend that the Board of Supervisors:

Find that the project as proposed complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the amendments can be found exempt from CEQA per Section 15307 of the CEQA Guidelines;

Adopt the Water Conservation in Landscaping Ordinance (Title 8, Division 6, Chapter 7 of the county Code of Regulatory Ordinances); and

Adopt the Form of Ordinance amendment the San Diego County Zoning Ordinance relating to water efficient landscapes.

Ayes:

Noes:

Abstain:

Absent:

P85-068W⁶, Agenda Item 5:

5. Horizon Christian Preparatory School, P85-068W⁶, San Dieguito Community Plan Area

Proposed Major Use Permit Modification to allow expansion of Horizon School from 250 to 750 students, and increase school facilities from 16,320 to 49,834 square feet. The project site is 18.54 acres in size and is located in the San Dieguito Community Plan Area at 6365 El Apajo Road. The project will be implemented in phases: Phase I will include the development of a gymnasium, high school and middle school; Phase II will include construction of a library, elementary school and administrative buildings. The school expansion will be built on the northern portion of the property, while the southern portion of the property will be reserved as open space for school recreation.

Staff Presentation:

Proponents: 0; **Opponents:** 0

Discussion:

Due to the complexity of today's Agenda, the several community residents have requested that the Planning Commission postpone consideration of Major Use Permit Modification P85-068W⁶.

Action: Riess - Pallinger

Continue consideration of Major Use Permit Modification P85-068W⁶ to the meeting of November 13, 2009.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

P72-650W³, Agenda Item 6:

6. Foothills Christian School; P72-650W³; Lakeside Community Plan Area (Kraft)

Proposed Modification of an existing Major Use Permit to authorize the placement of one 1,440 square foot modular classroom trailer and a 6' tall with electric gate. The project is located at 10404 Lake Jennings Park Road in the Lakeside Community Plan Area.

Staff Presentation:

Proponents: 1; Opponents: 0

Discussion:

This Item is approved on consent.

Action: Beck - Day

Grant Major Use Permit Modification P72-650W³, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance, the Noise Ordinance and State Law.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

Administrative:

H. Report on actions of Planning Commission's Subcommittees:

No reports were provided.

I. Results from Board of Supervisors' Hearing(s):

No report was provided.

J. Upcoming Board of Supervisors Agenda items and Designation of member to represent Commission at Board of Supervisors:

No one was designated to attend the Board's November 4, 2009 meeting.

K. Discussion of correspondence received by Planning Commission:

There was none.

L. Scheduled Meetings:

October 23, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 6, 2009	Special Meeting, General Plan Update, DPLU Hearing Room, 9:00 a.m.
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 19, 2009	Special Meeting, General Plan Update, DPLU Hearing Room, 9:00 a.m.
November 20, 2009	Special Meeting, General Plan Update, DPLU Hearing Room, 9:00 a.m.
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 8, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 22, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

P85-079W⁵, Agenda Item 3:

February 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 5, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 19, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 2, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 16, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 30, 2010	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
May 14, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 28, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 11, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 25, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 9, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 23, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 6, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 20, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 10, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 24, 2010	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 1:37 p.m. to 9:00 a.m. on , 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.